

Oct 22, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW ALLEN PEHL, aka
Kenzie McKenna; aka Blablabla
Geeee; aka Doopersboop; aka
Dyonus; aka Mattycakes,

Defendant.

NO: 2:19-CR-146-RMP

ORDER OF DISMISSAL WITHOUT
PREJUDICE

****US MARSHAL ACTION
REQUIRED****

BEFORE THE COURT is the Government's Motion to Dismiss the
Indictment against Defendant Matthew Allen Pehl Without Prejudice, ECF No. 17,
and accompanying Motion to Expedite hearing of the same, ECF No. 18. Having
reviewed the Motion to Dismiss, the Court finds that the Government has cogently
explained its decision to seek dismissal without prejudice and notes that the
Government represents that it has conferred with Defendant prior to filing the
motion. *See* ECF No. 17. There is no indication on the record before the Court that
dismissal without prejudice under Federal Rule of Criminal Procedure 48(a)

1 contravenes the “manifest public interest.” *See United States v. Gonzalez*, 58 F.3d
2 459, 462 (9th Cir. 1995) (indicating that the district court retains limited discretion
3 to deny even an uncontested motion to dismiss under Rule 48(a), but only where
4 dismissal without prejudice would be “contrary to the manifest public interest”).

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. The Government’s Motion to Expedite, **ECF No. 18**, is **GRANTED**,
7 upon a finding of good cause.

8 2. The Government’s Motion to Dismiss Indictment Without Prejudice,
9 **ECF No. 17**, is **GRANTED**.

10 3. The Indictment filed at ECF No. 1 is **dismissed without prejudice**.

11 4. The United States Marshals Service shall return Defendant to the
12 custody of the State of Washington. *See* ECF No. 7 (Writ of Habeas Corpus Ad
13 Prosequendum).

14 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
15 Order and provide copies to counsel and the United States Marshal.

16 **DATED** October 22, 2019.

17 _____
18 *s/ Rosanna Malouf Peterson*
19 ROSANNA MALOUF PETERSON
20 United States District Judge
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